



Brian G Svoboda
PHONE 202 434 1654
FAX 202 434 1690
EMAIL bsvoboda@perkinscoie.com

607 Fourteenth Street NW
Washington, DC 20005-2011
PHONE 202 628 6600
FAX 202 434 1690
www.perkinscoie.com

February 8, 2006

Lawrence H. Norton, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

1 2006 FEB 10 1 P 2:46

Re: MUR 5699
New York Senate 2000
Democratic Senatorial Campaign Committee
Andrew Grossman

Dear Mr. Norton:

We are counsel to the above-referenced Respondents in MUR 5699. The instant matter was generated and assigned a number as a result of a complaint filed by Patricia Waters. We respectfully request that the complaint be immediately dismissed and the matter closed.

This complaint involves a fundraising event benefiting New York Senate 2000, identified as Event 39 in that committee's reports with the Commission. As the Commission knows well, New York Senate 2000 was a joint fundraising committee, the participants in which included the Democratic Senatorial Campaign Committee ("DSCC") and Hillary Rodham Clinton for U.S. Senate. Andrew Grossman was a DSCC employee, and was treasurer of New York Senate 2000.

Event 39 was at the center of Matter Under Review 5225, which was recently conciliated between New York Senate 2000 and the Commission. The Commission accepted the conciliation agreement in MUR 5225 on December 13, 2005. See Conciliation Agreement, Matter Under Review 5225 (Exhibit 1).

[/DA060390 022]

ANCHORAGE BEIJING BELLEVUE BOISE CHICAGO DENVER HONG KONG LOS ANGELES
MENLO PARK OLYMPIA PHOENIX PORTLAND SAN FRANCISCO SEATTLE WASHINGTON, D C

Perkins Coie LLP and Affiliates

26044144001

February 8, 2006

Page 2

Paragraph VIII of the agreement provides:

This agreement, unless violated, shall serve as a complete bar to any further action against New York Senate 2000 and its current and former joint fundraising participants, agents, employees and officers for acts arising out of, or relating to New York Senate 2000, Event 39 and all fundraising events held by New York Senate 2000 between September 16, 1999 through November 7, 2000. *See* 2 U.S.C. § 437g(a)(4),(5).

Since acceptance of the agreement, New York Senate 2000 has complied with the agreement in full. Moreover, it has taken steps to terminate its registration with the Commission in reliance on the agreement. Among those steps was the January 30, 2006 issuance of a check in the amount of \$13,057.94 to the complainant, Patricia Waters, refunding the in-kind contribution that the Commission found her to have made to New York Senate 2000 during the course of its investigation. (*See* Exhibit 2.) New York Senate 2000 was under no legal obligation to make this refund, but chose to do so nonetheless.

The conciliation agreement in MUR 5225 bars further action on this complaint. On its face, it serves as a complete bar to any further action against New York Senate 2000; against its participant, the DSCC; and against its treasurer, Mr. Grossman, for any acts arising out of New York Senate 2000 generally or Event 39 specifically. Ms. Waters' complaint pertains entirely to New York Senate 2000 and Event 39, and thus falls squarely into the prohibition imposed by the conciliation agreement. Ms. Waters does not allege, and indeed there has not been, any violation of the conciliation agreement.

Even if the conciliation agreement did not bar further Commission action on the complaint, however, it would still have to be dismissed. Ms. Waters alleges no conduct by any respondent that would have violated the Federal Election Campaign Act. Her grievance is entirely contractual in nature. Finally, she waited more than five years after the event in question – well past the expiration of the statute of limitations – to file her complaint.

February 8, 2006

Page 3

For these reasons, we respectfully request that the Commission immediately dismiss the complaint as to all respondents, and close this matter.

Very truly yours,



Marc E. Elias

Brian G. Svoboda

Counsel to Respondents

Attachments

cc: Commissioner Michael Toner
Commissioner Robert Lenhard
Commissioner David Mason
Commissioner Hans von Spakovsky
Commissioner Steven Walther
Commissioner Ellen Weintraub
Sid Rocke, Esq.
Tom Andersen, Esq.

EXHIBIT 1

25044144004



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Marc E. Elias, Esq.
Brian G. Svoboda, Esq.
Perkins Coie LLP
607 Fourteenth Street, N.W.
Washington, D.C. 20005-2011

DEC 29 2005

Lyn Utrecht, Esq.
James Lamb, Esq.
Ryan, Phillips, Utrecht & MacKinnon
1133 Connecticut Ave., N.W., Suite 300
Washington, D.C. 20036

RE: MUR 5225
New York Senate 2000 and
Andrew Grossman, in his official
capacity as treasurer

Dear Ms. Utrecht and Messrs. Elias, Svoboda and Lamb:

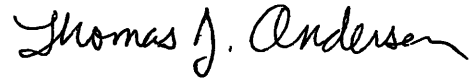
On December 13, 2005, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 102.17(c)(8)(i)(A). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

26044144005

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Thomas J. Andersen
Attorney

Enclosure
Conciliation Agreement

26044144006

BEFORE THE FEDERAL ELECTION COMMISSION

2005 DEC 19 P 4: 30

In the Matter of)
New York Senate 2000 and) MUR 5225
Andrew Grossman, in his official capacity)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint dated August 3, 2001. An investigation was conducted, and the Federal Election Commission ("Commission") found probable cause to believe that New York Senate 2000 and Andrew Grossman, in his official capacity as treasurer, violated 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17(c)(8)(i)(A).

NOW THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

Parties

1. New York Senate 2000 is registered with the Commission as a joint fundraising committee, and is a political committee within the meaning of 2 U.S.C. § 431(4). In 1999 and 2000, New York Senate 2000 served as a joint fundraising representative for participants that included Hillary Rodham Clinton for U.S. Senate Committee, Inc., the Democratic Senatorial Campaign Committee and the New York State Democratic Committee.

2. Andrew Grossman is the current treasurer of New York Senate 2000, and has served as treasurer since its creation in 1999.

Applicable Law

3. The Federal Election Campaign Act of 1971, as amended ("the Act"), requires political committees to disclose contributions and disbursements pursuant to 2 U.S.C. § 434(b). The Commission's regulations require political committees to report in-kind contributions as both contributions and expenditures. 11 C.F.R. § 104.13(a).

4. Joint fundraising committees are responsible for collecting contributions, paying fundraising costs, distributing the proceeds, maintaining records and properly disclosing contributions and expenses. 11 C.F.R. § 102.17(b) and (c). Joint fundraising representatives such as New York Senate 2000 must report all funds received and all disbursements made in the reporting period in which they are received and made, respectively. 11 C.F.R. § 102.17(c)(8). The fundraising representative shall report the total amount of non-federal contributions received during the reporting period as a memo entry. 11 C.F.R. 102.17(c)(8)(i)(A).

Facts

5. On August 12, 2000, New York Senate 2000 sponsored a fundraising event in Brentwood, California designated in New York Senate 2000's disclosure reports as "Event 39."

6. New York Senate 2000 reported total Event 39 costs of \$519,077 for calendar year 2000, of which \$401,419 consisted of in-kind contributions, and total direct proceeds (i.e., not counting in-kind contributions) of \$1,072,015, which included \$363,465 in federal funds and \$708,550 in non-federal funds.

7. The Commission determined that certain costs associated with Event 39 were not disclosed by New York Senate 2000, as summarized below:

26044144008

DESCRIPTION	REPORTED	UNREPORTED
Dinner and Reception In-kinds	\$153,863	\$109,067
Concert (minus \$100,000 included in reported Direct Expenses of \$117,658)	\$200,000	\$395,154
Travel and Lodging In-kinds		\$92,135
Printing In-kinds	\$12,702	\$125,539
Other In-kinds reported	\$34,854	
Direct Expenses reported	\$117,658	
Subtotals	\$519,077	\$721,895

Total Event Costs: \$1,240,972

V. The Commission found probable cause to believe that New York Senate 2000 did not disclose all of the Event 39 costs in accordance with the Act and the Commission's regulations. Respondents contend that they implemented and enforced reasonable processes to collect and report information regarding event expenses. However, in order to settle this matter, Respondents will not further contest the Commission's probable cause findings that it failed to report \$721,895 in in-kind contributions, in violation of 2 U.S.C. § 434(b) and 11 C.F.R. § 102.17(c)(8)(i)(A).

Settlement Requirements

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Thirty-Five Thousand Dollars (\$35,000) pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will amend New York Senate 2000's disclosure report to reflect the unreported \$721,895 in in-kind contributions. Respondents shall include in the amended report information as provided or confirmed by the Commission. The amended report shall be filed within 30 days of receipt of such information or 30 days from the date this agreement becomes effective, whichever is later. The Commission agrees that New York Senate 2000 may

26044144009

thereafter terminate, in accordance with the applicable provisions of the Act and Commission regulations.

Other Provisions

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement, unless violated, shall serve as a complete bar to any further action against New York Senate 2000 and its current and former joint fundraising participants, agents, employees and officers for acts arising out of, or relating to New York Senate 2000, Event 39 and all fundraising events held by New York Senate 2000 between September 16, 1999 through November 7, 2000. *See* 2 U.S.C. § 437g(a)(4), (5).

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

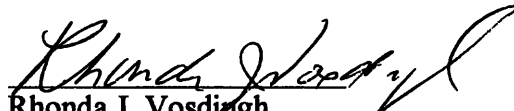
26044144010

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:


Rhonda J. Vosdinger
Associate General Counsel
for Enforcement

12/29/05
Date

FOR THE RESPONDENT:


Andrew Grossman
Treasurer

12/12/5
Date

26044144011

EXHIBIT 2

26044144012

Look for blue background on the front of this check, and the ImageSafe® logo on back. If not present, do not cash.

NEW YORK SENATE 2000-FEDERAL

430 S. CAPITOL ST. S.E.
WASHINGTON, DC 20003-4024

1825

DATE 1-30-2006

15-120/540 DC
0213

PAY
TO THE
ORDER OF

Pat Waters

\$ 13,057.94

Thirteen thousand Fifty-seven and 94/100

DOLLARS

Bank of America.



ACH R/T 054001204

FOR

Contribution Re-fund

Barbara L. Smith

26044144013